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SENATE BILL 994

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING AUTHORITY TO THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT TO PROVIDE FOR A DRIVER'S LICENSE TO A PERSON WHOSE MEDICAL CONDITION IS IMPROVED SUCH THAT THE PERSON CAN DRIVE A MOTOR VEHICLE SAFELY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-5 NMSA 1978 (being Laws 1978, Chapter 35, Section 227, as amended) is amended to read:

"66-5-5. PERSONS NOT TO BE LICENSED. -- The division shall not issue a driver's license under the Motor Vehicle Code to any person:

A. who is under the age of eighteen years, except the division may, in its discretion, issue:

(1) an instruction permit to a person fifteen

1 years of age or over who is enrolled in and attending or has
2 completed a driver education course that includes a DWI
3 education and prevention component approved by the bureau or
4 offered by a public school;

5 (2) a provisional license to any person
6 fifteen years and six months of age or older:

7 (a) who has completed a driver education
8 course approved by the bureau or offered by a public school
9 that includes a DWI education and prevention component and has
10 had an instruction permit for at least six months; and

11 (b) who has successfully completed a
12 practice driving component;

13 (3) a driver's license to any person sixteen
14 years and six months of age or older:

15 (a) who has had a provisional license
16 for the twelve-month period immediately preceding the date of
17 the application for the driver's license;

18 (b) who has complied with restrictions
19 on that license;

20 (c) who has not been convicted of a
21 traffic violation that was committed during the ninety days
22 prior to applying for a driver's license; and

23 (d) who has not been adjudicated for an
24 offense involving the use of alcohol or drugs during that
25 period and who has no pending adjudications alleging an offense

underscored material = new
[bracketed material] = delete

1 involving the use of alcohol or drugs at the time of his
2 application; and

3 (4) to any person thirteen years of age or
4 older who passes an examination prescribed by the division, a
5 license restricted to the operation of a motorcycle, provided:

6 (a) the ~~[motor]~~ motorcycle is not in
7 excess of one hundred cubic centimeters displacement;

8 (b) no holder of an initial license may
9 carry any other passenger while driving a motorcycle; and

10 (c) the director approves and certifies
11 motorcycles as not in excess of one hundred cubic centimeters
12 displacement and by rule provides for a method of
13 identification of such motorcycles by all law enforcement
14 officers;

15 B. whose license or driving privilege has been
16 suspended or denied, during the period of suspension or denial,
17 or to any person whose license has been revoked, except as
18 provided in Section 66-5-32 NMSA 1978 and the Ignition
19 Interlock Licensing Act;

20 C. who is an habitual drunkard, an habitual user of
21 narcotic drugs or an habitual user of any drug to a degree that
22 renders him incapable of safely driving a motor vehicle;

23 D. who, within any ten-year period, is three times
24 convicted of driving a motor vehicle while under the influence
25 of intoxicating liquor or narcotic drug regardless of whether

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[bracketed material] = delete

1 the convictions are under the laws or ordinances of this state
2 or any municipality or county of this state or under the laws
3 or ordinances of any other state, the District of Columbia or
4 any governmental subdivision thereof, except as provided in the
5 Ignition Interlock Licensing Act. Ten years after being so
6 convicted for the third time, the person may apply to any
7 district court of this state for restoration of the license,
8 and the court, upon good cause being shown, may order
9 restoration of the license applied for; provided that the
10 person has not been subsequently convicted of driving a motor
11 vehicle while under the influence of intoxicating liquor or
12 drugs in the ten-year period prior to his request for
13 restoration of his license. Upon issuance of the order of
14 restoration, a certified copy shall immediately be forwarded to
15 the division, and if the person is otherwise qualified for the
16 license applied for, the three previous convictions shall not
17 prohibit issuance of the license applied for. Should the
18 person be subsequently once convicted of driving a motor
19 vehicle while under the influence of intoxicating liquor or
20 drugs, the division shall revoke his license for five years,
21 after which time he may apply for restoration of his license as
22 provided in this subsection;

23 E. who has previously been afflicted with or who is
24 suffering from any mental disability or disease that would
25 render ~~[him]~~ the person unable to drive a motor vehicle with

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1 safety upon the highways and who has not, at the time of
2 application, been restored to health; if the driver has
3 recovered to full health as certified by a licensed physician,
4 the division shall issue a driver's license to the applicant if
5 all other requirements for licensure are met;

6 F. who is required by the Motor Vehicle Code to
7 take an examination, unless he has successfully passed the
8 examination;

9 G. who is required under the laws of this state to
10 deposit proof of financial responsibility and who has not
11 deposited the proof;

12 H. when the director has good cause to believe that
13 the operation of a motor vehicle on the highways by the person
14 would be inimical to public safety or welfare; or

15 I. as a motorcycle driver who is less than eighteen
16 years of age and who has not presented a certificate or other
17 evidence of having successfully completed a motorcycle driver
18 education program licensed or offered in conformance with rules
19 of the bureau. "